

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHARLES FARBE

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-9-KHJ-MTP

D.E.A., et al.

DEFENDANTS

ORDER

Before the Court is the [5] Report and Recommendation (“Report”) of United States Magistrate Judge Michael T. Parker. It recommends the Court dismiss Plaintiff Charles Farbe’s claims without prejudice pursuant to Federal Rule of Civil Procedure 41(b). [5] at 3. Written objections to the Report were due by March 13, 2023. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

When no party has objected to a magistrate judge’s report and recommendation, the Court need not review it *de novo*. 28 U.S.C. § 636(b)(1); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Instead, the Report is reviewed under the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *Wilson*, 864 F.2d at 1221.

Farbe filed his pro se [1] Complaint on January 6, 2023, along with his [2] Motion for Leave to Proceed *in forma pauperis*. The Magistrate Judge determined that Farbe’s Complaint required clarification and that Farbe’s IFP application

required clarification so his financial status could be fairly evaluated and considered. Order [3] at 1–2. Accordingly, the Magistrate Judge ordered Farbe to file an amended complaint and a completed long-form IFP application. *Id.* at 2. He informed Farbe that failure to do so might result in the dismissal of his case. *Id.*

Farbe did not amend his Complaint, complete the long-form IFP application, or otherwise respond. On February 1, 2023, the Magistrate ordered Farbe to file a written statement explaining why his case should not be dismissed for failure to comply with the Court’s Order by February 15, 2023. Order [4]. Again, Farbe did not respond.

Accordingly, the Magistrate Judge recommended dismissing Farbe’s case for failure to prosecute and failure to respond to the Court’s orders, pursuant to Federal Rule of Civil Procedure 41(b). [5] at 2. Farbe did not object to the Report. The Report is neither clearly erroneous nor contrary to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [5] Report and Recommendation of the United States Magistrate Judge Michael T. Parker is adopted as the opinion of this Court.

IT IS FURTHER, ORDERED AND ADJUDGED that this case is
DISMISSED WITHOUT PREJUDICE.

SO ORDERED AND ADJUDGED this the 21st day of March, 2023.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE